

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Criminal No. 05-382 (1) (JRT/FLN)

Plaintiff,

v.

ORDER

CURTIS SMITH, JR.,

Defendant.

LeeAnn Bell, Assistant United States Attorney, **OFFICE OF THE UNITED STATES ATTORNEY**, 600 United States Courthouse, 300 South 4th Street, Minneapolis, Minnesota 55415, for plaintiff.

Richard S. Vimig, **VIRNIG & GUNTHER**, 10 South Fifth Street, Suite 700, Minneapolis, Minnesota 55402, for defendant.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated January 18, 2006 [Docket No. 29], all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that Defendant's motion to suppress evidence obtained by search and seizure[#18] is **DENIED**; and that Defendant's motion to strike motion to suppress evidence[#27] is **GRANTED**.

DATED: June 7, 2006.
at Minneapolis, Minnesota

s/ John R. Tunheim
JUDGE JOHN R. TUNHEIM
United States District Judge